

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: BRUCE WESSON

Group Art Unit: 2821

Serial No.: 10/730,744

Examiner: ALEMU, Ephrem

Filed: 12/08/2003

Date: July 19, 2007

For: LOADED LED BULBS FOR INCANDESCENT/FLOURESCENT/NEON/XENON/
HALOGEN BULBS REPLACEMENT IN LOAD SENSITIVE APPLICATIONS AND
MORE

ATTORNEY DOCKET NO.: P02258US (98525.1P3)

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES
BRIEF OF APPELLANT

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

On 18 December 2006, the Examiner finally rejected Claims 39-54 and 56-59 of the above-referenced patent application. A Notice of Appeal was filed on 19 March 2007, and was received by the USPTO on 19 March 2007. This brief, required by 37 C.F.R. § 41.37(a), is due by 19 May 2007 (see 37 C.F.R. § 1.8(a)(2) and MPEP § 512 (Eighth Edition, Revision 2, May 2004)); it is in the form required by 37 C.F.R. § 41.37(c).

(i) REAL PARTY IN INTEREST:

The real parties in interest are the applicant, BRUCE WESSON, and his licensee, Jam Strait, Inc. (a Mississippi corporation).

(ii) RELATED APPEALS AND INTERFERENCES:

There are no related appeals or interferences.

(iii) STATUS OF CLAIMS:

Claims 1 through 38 and 55 have been cancelled. Claims 39-54 and 56-59 are pending.

Claims 39-54 were rejected under 35 U.S.C. § 102(e) as being anticipated by Eggers. Claims 49 and 56-59 were rejected under the judicially created doctrine of obviousness-type double patenting.

The rejection of Claims 39-54 and 56-59 is being appealed.

(iv) STATUS OF AMENDMENTS:

No amendments after the final Office Action have been filed.

(v) SUMMARY OF CLAIMED SUBJECT MATTER:

As required by 37 C.F.R. § 41.37(c)(1)(v), Applicant has read the independent appealed claims on the specification and drawings. These claims follow.

39. An LED bulb (710 Fig. 64; 720 Fig. 65, 730 Fig. 66, 740, Fig. 67) adaptable to an application with a load/resistance (701 Fig. 64; page 31, lines 16-18; 711 Fig. 65, Fig. 66, Fig. 67) to match (see page 31, lines 16-18) impedance/resistance requirements of the application, the bulb including at least one LED and a load (page 30, lines 5-6; see generally page 30, line 5 through page 33, line 25).

44. An LED bulb (710 Fig. 64; 720 Fig. 65, 730 Fig. 66, 740, Fig. 67) adaptable to an application with built in or attachable load/resistance (701 Fig. 64; page 31, lines 16-18; 711 Fig. 65, Fig. 66, Fig. 67) to match (see page 31, lines 16-18) impedance/resistance requirements of the application, the bulb including at least one LED and a load (see page 30, line 5 through page 33, line 25).

49. Apparatus comprising an LED bulb (710, Fig. 64; 720 Fig. 65, 730 Fig. 66, 740, Fig. 67) intended as a replacement bulb for a second bulb and built in (page 30, lines 5-6) or attachable load/resistance (701 Fig. 64; page 31, lines 16-18; 711 Fig. 65, Fig. 66, Fig. 67) to match, mimic, or approximate (see page 31, lines 16-18) the impedance/resistance of the second bulb, the apparatus including at least one LED and a load (see page 30, line 5 through page 33, line 25).

(vi) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL:

(A) Claims 39-54 were rejected under 35 U.S.C. § 102(e) as being anticipated by Eggers.

(B) Claims 49 and 56-59 were rejected under the judicially created doctrine of obviousness-type double patenting.

(vii) ARGUMENT:

(A) Claims 39-54 are patentable over Eggers under 35 U.S.C. § 102(e).

Claims 39-54 were rejected under 35 U.S.C. § 102(e) as being anticipated by Eggers.

Applicant respectfully traverses this rejection.

Claims 39-48, 50, 52, and 54

Claims 39-48, 50, 52, and 54 are drawn to an LED bulb which is adaptable to an application with a load/resistance to match impedance/resistance requirements of the application, the bulb including at least one LED and a load. Eggers, on the other hand, does not claim a bulb, nor does Eggers' circuit attempt to match the impedance/resistance requirements of an application. Rather, Eggers discloses a circuit which attempts to alter the light output of an LED such that its luminance matches that of an incandescent bulb which it replaces. If the circuit of Eggers were used to replace an incandescent bulb, it might have a higher (probably) or lower resistance than the bulb, depending on what type and configuration of LEDs are used. It is extremely unlikely that such a circuit would match the resistance of the bulb. Therefore, Eggers does not anticipate claims Claims 39-48, 50, 52, and 54.

Claims 49, 51, 53, and 56-59

Claims 49, 51, 53, and 56-59 are drawn to an LED bulb which is adaptable to an application with a load/resistance to match, mimic, or approximate impedance/resistance requirements of the application, the bulb including at least one LED and a load. Eggers, on the other hand, does not claim a bulb, nor does Eggers' circuit attempt to match, mimic, or approximate the impedance/resistance requirements of an application. Rather, Eggers discloses a circuit which attempts to alter the light output of an LED such that its luminance matches that of an incandescent bulb which it replaces. If the circuit of Eggers were used to replace an incandescent bulb, it might have a higher (probably) or lower resistance than the bulb, depending on what type and configuration of LEDs are used. It is extremely unlikely that such a circuit would match, mimic, or approximate the resistance of the bulb. Therefore, Eggers does not anticipate Claims 49, 51, 53, and 56-59.

(B) Claims 49 and 56-59 are patentable over U.S. Patent No. 6,371,636 and Eggers under the judicially created doctrine of obviousness-type double patenting.

Claims 49 and 56-59 were rejected under the judicially created doctrine of obviousness-type double patenting. Applicant respectfully traverses this rejection. Eggers does not disclose the basic invention claimed in claim 49, and thus, even in combination with applicant's prior patent, does not render obvious claims 49 and 56-59.

CONCLUSION:

For the foregoing reasons, applicant respectfully submits that all claims remaining in the application are allowable. A Notice of Allowance is hereby respectfully requested.

TELEPHONE CONFERENCE INVITATION:

Should the Examiner or any member of the Board feel that a telephone conference would advance the prosecution of this application, he is encouraged to contact the undersigned at the telephone number listed below.

PETITION FOR EXTENSION OF TIME:

Applicant hereby petitions the Commissioner for a two-month extension of time. The \$225 fee is being charged to Deposit Account No. 50-0694.

Applicant hereby petitions the Commissioner under 37 C.F.R. § 1.136 for any extension of time necessary to render this Appeal Brief timely filed, and asks that the fee for any such extension be charged to Deposit Account No. 50-0694.

FEES:

The \$250 fee required by 37 C.F.R. § 41.37(a)(2) and § 41.20(b)(2) is being charged to Deposit Account No. 50-0694. Please charge any additional fees due or credit any overpayment to Deposit Account No. 50-0694.

Respectfully submitted,

/smnRN31,281/

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(viii) CLAIMS APPENDIX:

CLAIMS ON APPEAL:

39. An LED bulb adaptable to an application with a load/resistance to match impedance/resistance requirements of the application, the bulb including at least one LED and a load.
40. The LED bulb of claim 39, wherein the bulb is a replacement LED bulb with a load/resistance to match impedance/resistance of an AC bulb being replaced.
41. The LED bulb of claim 39, wherein the bulb is a replacement LED bulb with a load/resistance to match impedance/resistance of bulb being replaced.
42. The LED bulb of claim 39, wherein the bulb is for an AC application.
43. The LED bulb of claim 39, wherein the bulb is for a DC application.
44. An LED bulb adaptable to an application with built in or attachable load/resistance to match impedance/resistance requirements of the application, the bulb including at least one LED and a load.
45. The LED bulb of claim 44, wherein the bulb is a replacement LED bulb with built in or attachable load/resistance to match impedance/resistance of an AC bulb being replaced.
46. The LED bulb of claim 44, wherein the bulb is a replacement LED bulb with built in or attachable load/resistance to match impedance/resistance of a bulb being replaced.
47. The LED bulb of claim 44, wherein the bulb is adaptable to an AC application with built in or attachable load/resistance to match impedance/resistance requirements of the application.
48. The LED bulb of claim 44, wherein the bulb is adaptable to a DC application with built in or attachable load/resistance to match impedance/resistance requirements of the application.
49. Apparatus comprising an LED bulb intended as a replacement bulb for a second bulb and built in or attachable load/resistance to match, mimic, or approximate the impedance/resistance of the second bulb, the apparatus including at least one LED and a load.
50. The apparatus of claim 49, wherein the built in or attachable load/resistance matches the impedance/resistance requirements of the application for which the second bulb is used.
51. The apparatus of claim 49, wherein the LED bulb includes built in or attached load/resistance to match, mimic, or approximate the impedance/resistance of the second bulb.
52. The apparatus of claim 49, wherein the LED bulb includes built in or attached load/resistance to match the impedance/resistance requirements of the application for which the second bulb is used.
53. The apparatus of claim 49, wherein the LED bulb includes built in load/resistance to match, mimic, or approximate the impedance/resistance of the second bulb.
54. The apparatus of claim 49, wherein the LED bulb includes built in load/resistance to match the impedance/resistance requirements of the application for which the second bulb is used.
56. The apparatus of claim 49, wherein the LED bulb is adapted for use in standard automotive bayonet type bulb sockets in a brake light mode and a tail light mode, and the bulb comprises:
 - a printed circuit board;
 - a plurality of light emitting diodes mounted on the printed circuit board and electrically coupled with the printed circuit board;
 - a body having a first end and a second end, with the printed circuit card attached to the first end of the body;
 - a base having a sidewall, a distal end and a proximal end, the sidewall having two alignment pins thereon, the distal end having at least one contact; and
 - electrical control means electrically connected between first and second contacts on the base

and the printed circuit board, whereby when an electrical signal is supplied to the contacts the electrical control means transmits a processed electrical current enabling the light emitting diodes to be energized and emit light, wherein the electrical control means causes substantially all light emitting diodes to illuminate when used in either the tail lamp mode or the brake lamp mode, and causes the intensity of the individual light emitting diodes to be greater when in brake lamp mode than when in tail lamp mode.

57. The apparatus of claim 49, wherein the LED bulb is adapted for use in standard automotive bayonet type bulb sockets in a brake light mode and a tail light mode, the LED bulb comprising:

- a printed circuit board;

- a plurality of light emitting diodes mounted on the printed circuit board and electrically coupled with the printed circuit board;

- a base having a sidewall, a distal end and a proximal end, the sidewall having two alignment pins thereon, the proximal end attached to the printed circuit board, the distal end having at least one contact; and

electrical control means electrically connected between first and second contacts on the base and the printed circuit board, the printed circuit board being attached to the proximal end of the base, whereby when an electrical signal is supplied to the contacts the electrical control means transmits a processed electrical current enabling the light emitting diodes to be energized and emit light, wherein the electrical control means causes substantially all light emitting diodes to illuminate when used in either the tail lamp mode or the brake lamp mode, and causes the intensity of the individual light emitting diodes to be greater when in brake lamp mode than when in tail lamp mode.

58. The apparatus of claim 49, wherein the LED bulb is adapted for use in a standard automotive wedge type bulb socket in a brake light mode and a tail light mode, having electrical contacts therein, the LED bulb comprising:

- a printed circuit board;

- a plurality of light emitting diodes mounted on the printed circuit board and electrically coupled with the printed circuit board;

- a body having a first end and a second end, the second end terminating in a wedge shaped portion;

electrical control means electrically connected between the printed circuit board and at least one pair of electrical conductors, whereby when an electrical signal is supplied to the socket the electrical control means transmits a processed electrical current enabling the light emitting diodes to be energized and emit light, wherein substantially all light emitting diodes illuminate when used in either the tail lamp mode or the brake lamp mode, and brake lamp intensity is greater than tail lamp intensity.

59. The apparatus of claim 49, wherein the LED bulb is adapted for use in standard automotive bulb sockets in a brake light mode and a tail light mode, the LED bulb comprising:

- a printed circuit board;

- a plurality of light emitting diodes mounted on the printed circuit board and electrically coupled with the printed circuit board;

- a body having a first end and a second end, with the printed circuit card attached adjacent the first end of the body;

- first and second contacts; and

electrical control means electrically connected between first and second contacts and the printed circuit board, whereby when an electrical signal is supplied to the contacts the electrical control means transmits a processed electrical current enabling the light emitting diodes to be energized and emit light, wherein the electrical control means causes at least some light emitting diodes to illuminate when used in either the tail lamp mode or the brake lamp mode, and causes the intensity of the individual light emitting diodes to be greater when in brake lamp mode than when in tail lamp mode.

EVIDENCE APPENDIX:

none

RELATED PROCEEDINGS APPENDIX:

none